

REMARKS

The Office Action mailed July 8, 2003 has been received and reviewed. Claims 10-28 are pending and are rejected in view of a reference cited by the Examiner. Claims 10, 15, 16, 19 and 20 are amended. Claim 11 is cancelled. For the reasons stated below, the Applicants submit that the claims are in condition for allowance.

Rejection Of Claims 10-13 and 15-28 Under 35 U.S.C. § 102(b)

Claims 10-13 and 15-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pethö, et al., (US 4,987,726) (hereinafter "Pethö"), which the Examiner states disclose a method and device for filling and sealing containers in a clean environment with clean room 3 and that prior to entering the clean room 3, the containers are cleaned in a cleaning lock/tunnel 14. The Examiner further states that a second cleaning lock is provided for sterile stoppers. The rejection is traversed.

Claims 10-19 each recite a device for filling containers which requires the inclusion of a clean room in which filling and closure of the containers takes place. Claims 20-28 recite methods which each require the use of a clean room for filling and closing containers. Nowhere in Pethö is there mention of the use of a "clean room." Those skilled in the art understand that there is a significant difference between a so-called sterile environment and a clean room. The Institute for Environmental Sciences, under the authority of the Government Services Administration (GSA) has established rigorous standards, set forth in GSA Reg. 209E, concerning the definition of a "clean room" environment, which is generally defined by the maximum permissible number of

particles (germs) per cubic foot of air in a given production area. Conversely, there are no established standards for what might constitute a "sterile environment." Therefore, Pethö fails to teach a container filling device or method having a clean room environment as understood by those of skill in the art. For that reason, claims 10-13 and 15-28 are not anticipated by Pethö.

Further with respect to claims 15 and 16, the Examiner states that Pethö teaches a cleaning station which is located in the clean room 3 (referencing column 4, lines 27-33 of the Pethö disclosure). The portion of the Pethö disclosure referenced by the Examiner refers to a device for cleaning stoppers. As amended, claim 15 clarifies that the claimed cleaning station if for cleaning the filled and closed containers. Therefore, Pethö does not anticipate claims 15 and 16, nor claim 19.

Rejection Of Claim 14 Under 35 U.S.C., § 103(a)

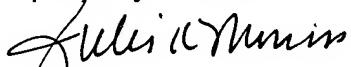
Claim 14 is rejected under 35 U.S.C. § 103 as being unpatentable over Pethö, et al. The Examiner states that Pethö does not disclose the use of ozone, but the Examiner takes official notice that at the time the invention was made, it would have been an obvious matter of design choice to use ozone as a sterilizer. As stated above, Pethö does not teach or suggest the use of a clean room in filling and closing containers as claimed and, therefore, does not anticipate or obviate that which is claimed. Consequently, the Examiner's official notice notwithstanding, claim 14 is not obviated by Pethö.

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CONCLUSION

In view of the arguments presented herein, the Applicants submit that claims 10-28 present patentable subject matter. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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